



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Gulf of the Farallones National Marine Sanctuary
Fort Mason, Building 20
San Francisco, CA 94123

June 13, 2006

Lila Tang
Chief, NPDES Division
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street Suite 1400
Oakland, California 94612

SUBJECT: Comments Regarding the Tentative Order for the Devil's Slide Tunnel Project, San Mateo County, NPDES Permit CA0038831

Dear Ms. Tang:

The Gulf of the Farallones National Marine Sanctuary (GFNMS) has reviewed both the Tentative Order for the issuance of the National Pollutant Discharge Elimination System (NPDES) Permit CA0038831 to the California Department of Transportation (CalTrans) and the associated project application materials. This NPDES permit would allow the discharge of 1.15 million gallons per day of construction-related, treated groundwater into the Monterey Bay National Marine Sanctuary (Sanctuary).

2 The applicant, CalTrans, is in the process of constructing twin tunnels through San Pedro Mountain in coastal San Mateo County to bypass the geologically unstable section of Highway 1 on Devil's Slide. Application materials state that groundwater seepage into the tunnel is expected at a maximum rate of 1.15 million gallons per day and that the waters are likely to be affected by interaction with construction materials (e.g. shotcrete on tunnel walls, oil from construction equipment). CalTrans will implement best management practices to minimize water quality degradation and will construct a water treatment facility to restore the water and comply with regulatory standards. Although groundwater seepage into the tunnel is expected to continue indefinitely, CalTrans anticipates no contamination after a 3-5 year post-construction period. A total of three Sanctuary discharge points have been identified for various project phases (construction, up to 3-5 years post-construction, after 3-5 years post-construction). Only one discharge location would be used during each phase.

3 The beach (from mean high water) and marine environment seaward of Devil's Slide are part of the federally protected Sanctuary. The shoreline and waters of this region are special, in part, because of the wildlife that live, feed, breed, and/or migrate through this area and the diversity of fishes and other species. Recognizing this diversity of resources and the Congressional mandate of ecosystem protection, we are concerned about discharge water quality and its affect on Sanctuary marine life. GFNMS staff reviewed the draft NPDES permit under authority defined in 15 CFR Sections 922.49 and 922.134 (b), and procedures defined in Section V.E. of the Memorandum of Agreement on water quality protection within the Monterey Bay National

3-cont. Marine Sanctuary (June 1992). We appreciate collaboratively addressing water quality impacts to the Sanctuary and offer the following comments on the project.

4 Four types of intertidal species of concern have been identified to potentially occur in the Devil's Slide area: sea palm, black abalone, red abalone, and sea grass. Please provide information on whether these organisms are present below the discharge locations and the effects of the anticipated discharge on them.

5 Conversations with CalTrans staff on June 8, 2006 indicate that all three discharge points listed in Table 2 (page 1) of the NPDES permit are pre-existing water release locations. In order to evaluate the project and its cumulative impacts, please provide information on the proposed discharges in context of natural runoff and the other permitted discharges. During the June 8 meeting, there was also a discussion of eliminating point 002 from the project. Please clarify whether discharge location 002 will or will not be used.

7 The Tentative Order sets clear guidelines on water quality parameters for both the discharge as well as its effect on receiving water. We recommend adding a requirement for pre-discharge monitoring to ensure preservation of Sanctuary water quality and compliance with the NPDES permit.

8 Finally, we support full consideration of alternatives to discharge. During the June 8, 2006 meeting, CalTrans staff expressed willingness to cooperate with local communities by offering them the treated water. We commend CalTrans and encourage further conversations. Additionally, on April 27, 2006 GFNMS staff learned that an undetermined number of local seeps and seasonal wetlands on San Pedro Mountain may dry up as a result of tunnel construction (this is in addition to wetland loss already anticipated in other project reviews). We were told on June 8, 2006 that CalTrans has purchased a right-of-way to transport treated water from the tunnel to potential wetland mitigation sites. If the anticipated wetland and seep loss does occur, we fully support and recommend the use of this water for mitigation purposes.

9 Thank you for the opportunity to provide comments on the NPDES permit. We hope our comments are helpful and look forward to receiving the responses. If you have any questions, please do not hesitate to contact Irina Kogan in our Half Moon Bay office by phone at (650) 712-8791 or by email at irina.kogan@noaa.gov.

Sincerely,



MARIA BROWN
Superintendent

Cc: Holly Price, MBNMS
Joyce Ambrosius, NMFS
Tami Grove, CCC

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